

REMARKS

Claims 1, 4-10, 13-17, and 20 are presently pending and stand rejected.

Claim 1, 9, and 20 were rejected under 35 U.S.C. 103(a) as being obvious from the combination of Jones in view of Gelsomini. Claims 1, 9, and 20 recite, among other limitations, "thin oxide gated fuse having an oxide that is less than 2.5nm thick".

Examiner has indicated that "Jones does not disclose that the element comprises a thin oxide gated fuse having an oxide that is less than 2.5nm thick. Gelsomini discloses a thin oxide gate fuse (as described in paragraph 50 of the instant application) having an oxide that is less than 2.5 nm thick (see for example column 4, lines 2-6 and claim 5)." Office Action, at 3.

As an initial matter, Assignee notes that paragraph 50 of the instant application speaks for itself and disagrees with Examiner's characterization.

Gelsomini states that "Gate oxide antifuses have gate insulators made of silicon dioxide in a thickness range from about 2 to 10 nm." Gelsomini, Col. 4, Lines 2-4 (Emphasis Added). In contrast, claim 1 recites, "a thin oxide gated fuse having an oxide that is less than 2.5 nm thick." Therefore, Gelsomini's, teaching at Col. 4, Lines 2-4, that "Gate oxide antifuses have gate insulators made of silicon dioxide in a thickness range from about 2 to 10 nm" does not amount to a teaching of "a thin oxide gated fuse having an oxide that is less than 2.5 nm thick".

Gelsomini claim 5, merely recites, "The integrated circuit according to claim 1 wherein said gate insulator is made of a material selected from a group consisting of silicon dioxide, perovskite or other insulating material in the thickness range from about 2 to 10 nm." The foregoing does not even teach a fuse, much less a "thin oxide gated fuse having an oxide that is less than 2.5 nm thick" as recited in claims 1 and 9. Accordingly, Examiner is respectfully requested to withdraw the rejections to claims 1, 9, and 20, and dependent claims 4-8, 10, and 13-17.

The pending claims were also rejected on the grounds of double patenting. A nonstatutory obviousness type double patenting rejection can be overcome by a timely filed terminal disclaimer. Accordingly, Assignee presents Examiner with a terminal disclaimer and it is respectfully submitted that the foregoing rejection is now overcome.

For at least the foregoing reasons, each of the pending claims are in a condition for allowance. Please charge any required fees not paid herewith or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017. In view of the foregoing, it is respectfully submitted that the pending claims define allowable subject matter. Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the telephone number listed below.

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Respectfully submitted,



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